

Remarks

Applicants appreciate the Examiner's indication that claims 2, 4, 9, 16, 21, 23, 26, 28, and 33 are directed to allowable subject matter. Further, in the Office Action, the Examiner rejects claims 1-41 under 35 U.S.C. § 101 and rejects claims 1, 3, 5-8, 10-15, 17-20, 22, 24, 25, 27, 29-32, and 34-41 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,216,123 to Robertson et al. ("Robertson") in view of U.S. Patent No. 6,295,559 to Emens et al. ("Emens").

As an initial matter, Applicants note that claims 22 and 24 stand rejected under 35 U.S.C. § 103(a), even though these claims depend from claim 21, which the Examiner indicated as being directed to allowable subject matter. Applicants will assume that these claims were inadvertently included in the statement of the rejection and therefore, the rejection should be withdrawn.

By this Amendment, Applicants amend claims 1, 4, 6, 11, 18, 22, 24, 25, 27, and 30 to improve form and cancel claims 2, 8, 9, 15, 16, 21, 26, 28, 32, 33, and 36 without prejudice or disclaimer. More specifically, claim 1 has been amended to substantially include the features of claim 2, claim 4 has been amended to substantially include the features of claims 1 and 3, claim 6 has been amended to substantially include the features of claims 8 and 9, claim 11 has been amended to substantially include the features of claims 15 and 16, claim 18 has been amended to substantially include the features of claim 21, claim 25 has been amended to substantially include the features of claim 26, claim 27 has been amended to substantially include the features of claims 25 and 28, and claim 30 has been amended to substantially include the features of

claims 32 and 33. Further, claims 22 and 24 have been amended to correct the claims from which they depend in view of the canceled claims. In view of these claim amendments, Applicants submit that all of the pending claims include features that the Examiner indicated as being allowable over the prior art of record, and accordingly, the claim rejections under 35 U.S.C. § 103(a) should be withdrawn.

In a telephone conversation with the Examiner on February 7, 2007, Applicants' representative and the Examiner briefly discussed the outstanding rejection under 35 U.S.C. § 101. In particular, the Examiner agreed to review potential claim amendments and give his preliminary opinion of whether such claim amendments overcome the rejection under 35 U.S.C. § 101. Applicants transmitted a draft copy of such claim amendments to the Examiner, via email, on February 9, 2007. On February 19, 2007 the Examiner stated, in a return email, that the proposed claim amendments meet the requirements of 35 U.S.C. § 101.

The amendments to the independent claims include, among other things, the claim amendments that the Examiner indicated would overcome the rejection under 35 U.S.C. § 101. Although Applicants do not agree with the rejection under 35 U.S.C. § 101, Applicants submit that each of pending claims 1, 3-7, 10-14, 17-20, 22-25, 27, 29-31, 34, 35, and 37-41, as amended, clearly recite "tangible" results, and accordingly, the rejection of these claims under 35 U.S.C. § 101 is improper and should be withdrawn.

In view of the claim amendments, Applicants submit that all of the pending claims now include features that the Examiner indicated as being allowable over

the prior art of record. Accordingly, a notice of allowance for the instant application is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this application and the allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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